

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Stephen Hardison

Date of Original Judgment: June 1, 2009

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 5:08-CR-278-2BR

USM No: 25827-056

Laura Wasco

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 197 months **is reduced to** 158 months

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

On June 1, 2009, Hardison was held accountable for 39.1 grams of cocaine base and 340.2 grams of cocaine, which resulted in a total offense level of 27. This total offense level, in combination with a criminal history category (CHC) of VI, produced a guideline imprisonment range of 130 to 162 months. Pursuant to 4A1.3, Departures Based on Inadequacy of Criminal History Category, the court upwardly departed seven levels to an offense level of 34, resulting in a guideline imprisonment range of 262 to 327 months. Pursuant to the government's motion, the court then downwardly departed 24.8% from the bottom of the range to a sentence of 197 months. Application of the amended guidelines produces a total offense level of 25. After upwardly departing seven offense levels under 4A1.3 to an offense level of 32, and having a CHC of VI, the revised guideline imprisonment range would be 210 to 262 months. Lastly, in consideration of the government's motion, a comparable reduction of 24.8% from the bottom of the revised guideline range would result in a sentence of 158 months imprisonment.

Except as otherwise provided, all provisions of the judgment(s) dated June 1, 2009 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 4/22/2014



Effective Date: _____
(if different from order date)

W. Earl Britt, Senior United States District Judge
Printed name and title